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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/153,621	09/15/1998	ROGER Q. SMITH	P-US-TN1444	5790

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EXAMINER

DINH, TUAN T

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 01/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/153,621

Applicant(s)

SMITH, ROGER Q.

Examiner

Tuan T Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U. S. Patent 2,058,407) in view of Pritchard (U. S. Patent 5,669,323).

As to claim 1, Brown discloses as audio equipment as shown in figures 1-4 comprising:

- a housing (element 1 and 2, see figure 1);
- an audio circuitry (3, 6, see figure 1) installed within the housing; and
- a first protective bar (14, column 2, line 14).

Brown does not show the first protected bar **flexibly connected** to the housing. Pritchard teaches a flexible connection assembly (28, column 4, line 5) as shown in figures 2, 4-5.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a flexible connection assembly as taught by Pritchard to modify the audio equipment of Brown in order to protect the audio equipment against a sudden impact. This would lead itself to a long life for the audio equipment.

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As to claim 2, Brown discloses the audio equipment as shown in figures 1-3 further comprising a handle (21, column 2, lines 53-54) that is attached (19, see figure 1) to the first protective bar.

As to claim 3, Brown discloses the audio equipment as shown in figures 1-4 further comprising a connector assembly (28) connecting the first protective bar to the housing.

As to claims 4 and 5, Brown does not disclose a flexible gasket disposed between the first protection bar and the housing. Pritchard shows a flexible gasket (100, column 5, lines 42-43) disclosed in figures 4 and 5.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a flexible connection assembly as taught by Pritchard to modify the audio equipment of Brown in order to protect the audio equipment against a sudden impact. This would lead itself to a long life for the audio equipment.

As to claim 6, Brown discloses as audio equipment as shown in figures 1-4 further comprising a housing a second protective bar (15, column 2, line 21). Brown does not teach the second protective bar flexible connected to the housing. Pritchard teaches a flexible connection assembly (28, column 4, line 5) as shown in figures 2, and 4-5.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a flexible connection assembly as taught by Pritchard to modify the audio equipment of Brown in order to protect the audio equipment against a sudden impact. This would lead itself to a long life for the audio equipment.

Response to Arguments

Applicant's arguments filed 12/06/01 have been fully considered but they are not persuasive.

Applicant argues:

- (1) Pritchard is not analogous art.
- (2) no motivation or suggestion to combine Brown with Pritchard exists.
- (3) combination of Brown and Pritchard would not have all claimed element.

Examiner disagrees.

Regarding to argument (1), Pritchard teaches a flexible connection assembly (28), which has function to accommodate connection in a wide range of movement without damage, or breakage between a pump 24 and a power supply 26. Therefore, Pritchard's flexible connection assembly 28 is good to modify the flexible connection between two parts; hence, Pritchard is an analogous art.

Regarding to argument (2), applicant recites a connector assembly 30 in page 4 of the specification (**disclosed in figure 4**), which is flexible connecting to a protective bar and a housing, and also in applicant's previous amendment filed on October 01, 2001 emphasized mention in page 2 that "**As mentioned above...when radio 10 is dropped.**" Applicant being claimed a protective bar (but not flexible) connected to a housing by a flexible connection, which is a flexible connector assembly 30. In combine of argument (1), Brown in view of Pritchard disclose a leg 14 capable of being a protective bar connected to a housing (1, 2) by a flexible connector assembly (28) of Pritchard.

Regarding to argument (3), combination of (1) and (2), Brown in view of Pritchard would teach all of the limitation of claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-308-3431 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD

January 11, 2002


Kleene
Primary Examiner